IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 1219 of 2005

Between:

Mohd. Zaheeruddin, S/o Mohd. Hafeezuddin, Motor Vehicle Inspector,
Wankidi Check Post, Adilabad District.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, Rep. by its Secretary,
Transpsort Roads & Buildings, Secretariat, Hyderabad.
2 The Transport Commissioner, A.P. Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ more in the nature of a Writ of Certiorari calling for the records in O.A.No. 5215 of 2003 dt. 13-9-2003 on the file of A.P.A.T. and quash the same and also consequently quash the orders of the 2nd respondent in R.No. 7447/V2/2003 , dt. 23-6-2003 declaring it as illegal, arbitrary and contrary to the ruling of this Hon'ble High Court in W.P.No. 2514 of 2004 as well as the guidelines issued by the Govt. from time to time.

Counsel for the Petitioner:MR.CH.SAMSON BABU

Counsel for the Respondents: GP FOR SERVICES II

The Court made the following :

O R D E R: (PER GB.J)

1) This writ petition is filed challenging the order passed by the Andhra Pradesh Administrative Tribunal in O.A.No.5215 of 2003, dated 13.09.2003 and to quash the same.

2) Vide order, dated 23.06.2003 of the 2nd respondent, the petitioner was placed under suspension and since the order of the 2nd respondent was not suspended by the Tribunal at the time of admission, he filed W.P.No.23330 of 2003. By order dated 05.11.2003 this Court disposed of the writ petition directing the Tribunal to dispose of the O.A. on merits and pending disposal of the O.A., it was directed that there shall be an interim suspension of the order passed by the 2nd respondent. When the matter came up for hearing, it was observed by the Tribunal that the petitioner has already been reinstated into service and was also posted to a far off place. As

nothing remained to be considered, the said O.A. was closed by the Tribunal. Against the said order, this writ petition is filed.

3) The learned counsel for the petitioner submits that instead of closing the O.A., the Tribunal ought to have decided the matter on merits. It is also submitted that had the matter been heard by the Tribunal on merits, the petitioner would have had a fair chance of success in the O.A. and apprehends that if the matter is now not heard on merits, he may again be placed under suspension. We are afraid the apprehension of the petitioner is wholly misconceived. While suspending the order, it was observed that it is open for the authorities to post the petitioner to a non-focal place, if it is found necessary and therefore, after lifting the suspension, the petitioner was posted to a far off place as observed by the Tribunal. Under those circumstances, we do not find any ground to interfere with the order of the Tribunal. However, it is desirable that the disciplinary enquiry and the criminal case be expedited.

4) The writ petition is accordingly disposed of. No costs.

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G.BIKSHAPATHY.J.,

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P.S.NARAYANA.J.,

Dt.07.02.2005

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To

1) The Secretary, Government of Andhra Pradesh, Transport Roads & Buildings, Secretariat, Hyderabad.

2) The Transport Commissioner, Andhra Pradesh, Hyderabad.

3) 2 CCs to the G.P. for Services-II, High Court of A.P., Hyderabad (OUT)

4) CD copies.